

## Message Text

PAGE 01 NATO 00789 01 OF 02 132210Z

64

ACTION EUR-25

INFO OCT-01 ISO-00 IO-14 CIAE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 SAM-01 NEA-11 TRSE-00 SAJ-01 ACDA-19 DRC-01

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FM USMISSION NATO

TO SECSTATE WASHDC 4057

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INFO AMEMBASSY THE HAGUE

USNMR SHAPE

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CINCLANT

S E C R E T SECTION 1 OF 2 USNATO 789

E.O. 11652: GDS 12/31/82

TAGS: PFOR, PARM, NATO, NL

SUBJECT: NETHERLANDS COMMENTS ON GENERAL ALERT REPORT

REF: USNATO 0718 NOTAL

SUMMARY: THIS MESSAGE CONTAINS TEXT OF LETTER DATED FEB 8 FROM NETHERLANDS REP (HOFMAN) ON COUNCIL OPERATIONS AND EXERCISE COMMITTEE (COEC) TO COMMITTEE CHAIRMAN MACBRIEN CONTAINING INSTRUCTED COMMENTS ON AC/237-D/126, REPORT OF SUB-COMMITTEE ON MATTERS RELATED TO GENERAL ALERT. COEC WILL MEET WEEK OF FEB 25 TO CONSIDER REPORT. ACTION REQUESTED: WASHINGTON COMMENTS ON REPORT AND LETTER. END SUMMARY.

1. TEXT OF LETTER FOLLOWS. QUOTE.

STATEMENT BY THE NETHERLANDS REPRESENTATIVE.

SECRET

PAGE 02 NATO 00789 01 OF 02 132210Z

1. MY AUTHORITIES ARE VERY GREATFUL TO THE SUB-COMMITTEE FOR THE WORK DONE AND THE REPORT PREPARED. AS THE DECLARATION OF GENERAL ALERT WILL TAKE PLACE ON, OR IMMEDIATELY AFTER, THE OUTBREAK OF HOSTILITIES AND AS SUCH MARKS THE VERY

TRANSITION FROM PEACE TO WAR THEY ATTACH THE GREATEST ATTENTION POSSIBLE TO THIS STAGE OF OUR FORMAL ALERT SYSTEM.

2. IT IS THE UNDERSTANDING OF MY AUTHORITIES THIS REPORT WILL ULTIMATELY BE SUBMITTED TO THE DPC. FIRST OF ALL, HOWEVER, THE COMMENTS MEMBERS OF OUR COMMITTEE MAY HAVE TO MAKE SHOULD BE INCORPORATED INTO THE PAPER. AS A SECOND STEP THE ADVISE BY THE MILITARY COMMITTEE SHOULD BE SOUGHT.

3. IN THE VIEW OF MY AUTHORITIES THE PRESENT PAPER IS, IF I MAY SAY SO, THE CHILD OF OUR EXPERIENCES DURING HILEX-5 AND THE MNC ALERT CONFERENCE OF 19TH JUNE, 1973. ALL PROBLEMS RAISED IN THE COURSE OF THESE 2 EXERCISES HAVE BEEN DEALT WITH. MY AUTHORITIES ARE, HOWEVER, OF THE OPINION THAT THE TAXONOMY OF THE PAPER MIGHT BE IMPROVED BY AVOIDING KNIGHT'S MOVES AND BY INDICATING MORE CLEARLY SUGGESTED AMENDMENTS TO MC 67/3 AND OTHER DOCUMENTS PROCEDURES BASED THEREON. THIS SHOULD BE DONE PRIOR TO SUBMITTING THE PAPER TO THE MC.

4. GENERALLY SPEAKING, MY AUTHORITIES ARE OF THE VIEW THAT ONE CANNOT FORGET THAT AT THE DECLARATION OF GENERAL ALERT THE POLITICAL-MILITARY SITUATION WILL BE SO GRAVE THAT THE SYSTEM SHOULD BE SO ORGANIZED THAT ALL DECISIONS BY THE POLITICAL AUTHORITIES OF THE ALLIANCE AND THE RESULTING MILITARY ACTIONS COULD BE TAKEN WITH THE GREATEST POSSIBLE FLEXIBILITY. THERE WILL BE VERY LITTLE TIME INDEED FOR FORMAL ACTS SUCH AS DESIGNATION OF HOSTILE NATIONS AND DECLARATIONS OF WAR OR OR GIVING INFORMATION AS INDICATED IN PARA. 13(A).

5. MY AUTHORITIES APPRECIATE THAT MNC'S, AND SACEUR IN PARTICULAR, ENVISAGE THE POSSIBILITY, IN CASES OF LIMITED ATTACK, OF LIMITING THE AREA(S) TO WHICH GENERAL ALERT WOULD BE APPLICABLE. IN THIS WAY DPC WILL BE ENABLED TO AUTHORISING RATHER DRASTIC MEASURES, WHICH IF REQUESTED FOR THE WHOLE NATO AREA, WOULD PROBABLY NOT BE ALLOWED.

SECRET

PAGE 03 NATO 00789 01 OF 02 132210Z

6. IN ACCORDANCE WITH MC 67/3 GENERAL ALERT WILL BE DECLARED ON OR IMMEDIATELY AFTER THE OUTBREAK OF HOSTILITIES. WHEN STUDYING THE CONSEQUENCES OF THIS SITUATION ONE SHOULD KEEP IN MIND ARTICLES 5 AND 6 OF THE NORTH ATLANTIC TREATY. THE TREATY AND, I MAY ADD THE NETHERLANDS CONSTITUTION AS AMENDED IN 1953, ARE BASED ON PRESENT DAY THINKING IN INTERNATIONAL LAW: A STATE IS ALLOWED TO ACT AGAINST ANOTHER STATE BY FORCE OF ARMS ONLY

(A) IN SELF-DEFENCE AGAINST ARMED ATTACK;

(B) IN COLLECTIVE SELF-DEFENCE; ALSO IN CASE OF ARMED ATTACK AGAINST AN ALLIED NATION;

(C) IN PURSUANCE OF A DECISION BY THE SECURITY COUNCIL OF THE UNITED NATIONS.

AGAINST THIS BACKGROUND, THE INTERDICTION OF WARS OF AGGRESSION IS PERHAPS BETTER REFLECTED IN A TERM LIKE "THE KINGDOM IS DECLARED TO BE IN A STATE OF WAR WITH..." THEN " THE KINGDOM DECLARES WAR UPON...", THE LATTER BEING OF A "NATURE CONSTITUTIVE PLUTOT QUE DECLARATOIRE".

7. THIS "NATURE DECLARATOIRE" MAKES IT POSSIBLE TO DESIGNATE A COUNTRY AS "HOSTILE NATION" BEFORE NATIONAL CONSTITUTIONAL PROCEDURES GOVERNING THE SO-CALLED "DECLARATION OF WAR" WILL HAVE BEEN COMPLETED, OR EVEN STARTED. IN THE VIEW OF MY AUTHORITIES THE "DESIGNATION OF HOSTILE NATIONS" COULD THEREFORE, BE TREATED QUOTE SEPARATELY FROM A DECLARATION OF WAR.

8. MY AUTHORITIES REALIZE THAT CONSTITUTIONS DIFFER FROM COUNTRY TO COUNTRY AND THEY HAVE DRAWN MY ATTENTION, FOR INSTANCE, TO ARTICLE 19(2) OF THE DANISH CONSTITUTION.

9. COMING NOW TO SOME DETAILS OF THE PAPER, I FIRST OF ALL WISH TO MAKE A REMARK IN REGARD TO PARA. 8. IN THE VIEW OF MY AUTHORITIES, MILITARY VIGILANCE, SIMPLE ALERT AND REINFORCED ALERT, WHEN NECESSARY SUPPLEMENTED BY STATE ORANGE AND/OR STATE SCARLET, WILL BE DECLARED AND IMPLEMENTED IN PREPARATION FOR POSSIBLE "ACTIONS IN THE EVENT OF ATTACK". SUCH "ACTIONS" MAY BE REQUIRED EVEN BEFORE THE DECLARATION OF GENERAL ALERT. THE DECLARATION OF STATE ORANGE AND/OR STATE SCARLET AFTER THE DECLARATION OF GENERAL ALERT IS, THEREFORE, NOT INVALID, BUT A CONTRADICTION IN TERMINIS.

SECRET

PAGE 04 NATO 00789 01 OF 02 132210Z

10. IN PARAGRAPH 9(A), 10(B) AND 12(B) THE REPORT DEALS WITH SA/RA-MEASURES, WHICH MAY NOT YET HAVE BEEN IMPLEMENTED BY INDIVIDUAL MEMBER NATIONS WHEN DPC IS DISCUSSING A MNC-REQUEST FOR THE DECLARATION OF GENERAL ALERT. ALTHOUGH WE HAVE NO SPECIFIC SUGGESTIONS TO OFFER IN THIS RESPECT, IT MAY BE A GOOD IDEA NOT TO DISREGARD SO COMPLETELY.

SECRET

PAGE 01 NATO 00789 02 OF 02 132225Z

64

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R 131915Z FEB 74  
FM USMISSION NATO  
TO SECSTATE WASHDC 4058  
SECDEF WASHDC  
INFO AMEMBASSY THE HAGUE  
USNMR SHAPE  
USCINCEUR  
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CINCLANT

S E C R E T SECTION 2 OF 2 USNATO 789

11. PARAGRAPH 12(B) GIVES THE IMPRESSION, THAT THE POSSIBILITY FOR DECLARING GENERAL ALERT COULD BE TIED TO A SIMULTANEOUS IMPLEMENTATION OF ALL OUTSTANDING EARLIER MEASURES. THIS LINE OF THOUGHTS IS, IN THE OPINION OF MY AUTHORITIES, BASED ON A MISUNDERSTANDING. GENERAL ALERT IS NOT A MONOLITHIC BLOC. THIS SECTION OF THE DECLARATION OF GENERAL ALERT IS NO MORE THAN A REPEATED REQUEST TO NATIONS TO IMPLEMENT CERTAIN PREPAREDNESS MEASURES. IT IS AND REMAINS A REQUEST TO NATIONS, WHICH SHOULD BE TREATED QUOTE SEPARATELY FROM THE INSTRUCTIONS AND/OR AUTHORISATIONS TO MNC'S CONCERNING MILITARY OPERATIONS. ONCE THESE 2 QUESTIONS ARE KEPT QUOTE SEPARATELY, THERE CAN BE NO MATTER OF CHIEF CONCERN.

12. PARAGRAPHS 9(C) (II), 11(A) AND 13(A) DEAL WITH "GENERAL DEFENCE PLANS AND/OR OTHER APPROPRIATE PLANS FOR THE DEFENCE OF NATO-TERRITORY". THE TEXT DOES NOT SPEAK OF "THE" GDP'S AND "THE" OTHER PLANS. ALTHOUGH MNC'S SHOULD CERTAINLY BE ABLE TO EXECUTE "ALL PLANS  
SECRET

PAGE 02 NATO 00789 02 OF 02 132225Z

OF INTEREST TO THE AREA(S) CONCERNED, IT SHOULD BE LEFT TO DECISION BY THE POLITICAL AUTHORITIES WHICH ONES WILL INDEED BE EXECUTED. IN THIS REGARD PARAGRAPHS 13(A) AND 13(B) ARE NOT QUOTE CONCLUSIVE AS THEY ONLY SPEAK OF THE KIND OF INFORMATION REQUIRED FROM MNC'S. ON THE OTHER HAND, IT MAY BE EXTREMELY DIFFICULT FOR MNC'S TO PROVIDE SUCH INFORMATION. BY THE TIME THEY WILL BE ABLE TO INDICATE THE TYPE AND NATURE OF THE THREAT, FIGHTING MIGHT WELL BE IN A FAR ADVANCED STAGE.

13. IT GOES WITHOUT SAYING, THAT MNC'S, WITH A VIEW TO ACTIONS IN THE EVENT OF ATTACK, GENERAL DEFENCE PLANS AND/OR OTHER APPROPRIATE PLANS, WILL BE IN NEED OF A DESIGNATION OF FORCES AGAINST WHICH THEY WILL BE ALLOWED TO DEFEND THEMSELVES OR OF TERRITORIES WHEREON THEY WILL BE ALLOWED TO ACT (FOR INSTANCE AIR-ATTACKS AGAINST TARGETS BEHIND ENEMY-LINES) EVEN BEFORE FORMAL DECLARATIONS OF WAR, WHERE REQUIRED, OR A DESIGNATION AS "HOSTILE NATIONS" HAVE BECOME AVAILABLE.

14. PARA. 13(C) (II) SUGGESTS, THAT A DECLARATION OF WAR A  
14 OR A 15 WILL NOT BE IMMEDIATELY AVAILABLE BECAUSE OF CONS-

TITUTIONAL PROBLEMS. IT MAY WELL BE ENVISAGED TOO, THAT SOME NATIONS WILL NOT BE WILLING TO TAKE SUCH STEP ON FIRST NOTICE. THE DPC-INSTRUCTIONS TO MNC'S MAY WELL HAVE TO TAKE THIS SITUATION INTO ACCOUNT. THE ABOVE-MENTIONED PARAGRAPH TRIES TO COVER THIS SITUATION IN FINE, BUT DISREGARDS, TO SOME EXTENT, THE ACTIONS IN THE EVENT OF ATTACK, THE GENERAL DEFENCE PLANS AND/OR OTHER APPROPRIATE PLANS.

15. LAST, BUT NOT LEAST, MY AUTHORITIES WONDER WHAT THE EXACT MEANING OF A DECLARATION OF GENERAL ALERT MIGHT BE, AS STATED ABOVE THEY ARE OF THE VIEW THAT GENERAL ALERT CANNOT BE REGARDED TO BE A MONOLITHIC BLOC. PARA. 9(A) SEEMS TO ACCEPT THIS IDEA, BUT MIGHT BE CLARIFIED.  
IN THE VIEW OF MY AUTHORITIES GENERAL ALERT MAY INCLUDE:

- (A) A (REPEATED) REQUEST TO NATIONS TO IMPLEMENT OUTSTANDING PREPAREDNESS MEASURES;
  - (B) A REQUEST TO NATIONS TO REVIEW AND/OR SEVERE THEIR DIPLOMATIC RELATIONS WITH CERTAIN STATES, TO DECLARE THEMSELVES IN A STATE OF WAR WITH SUCH NATIONS C.Q. TO DECLARE WAR UPON THEM;
  - (B) AN AUTHORISATION TO MNC'S TO IMPLEMENT IN SPECIFIED AREA(S)
- SECRET

PAGE 03 NATO 00789 02 OF 02 132225Z

CERTAIN OR ALL ACTIONS IN THE EVENT OF ATTACK, GENERAL DEFENCE PLANS AND/OR OTHER PLANS RELATIVE TO SUCH AREA(S);  
(D) A DESIGNATION, TO MNC'S OF THE FORCES AGAINST WHICH THEY ARE ALLOWED TO DEFENDE THEMSELVES, OF THE AREA(S) WHEREON THEY ARE ALLOWED TO TAKE ACTION C.Q. OF THE NATIONS DECLARED HOSTILE.

IT MAY WELL BE, THAT THE DECISION MENTIONED UNDER (A) AND (B) COULD BE TAKEN WITHOUT CONSULTING CAPITALS. ACTIONS (C) AND (D), WHICH SHOULD PROBABLY LOOKED AT TOGETHER, PRE-SUPPOSE AGREEMENT BY CAPITALS. ACTION (C) AND (D) PRE-SUPPOSE, FURTHERMORE, THAT MNC'S WILL HAVE RECEIVED, OR AT LEAST RECEIVE SIMULTANIOUSLY, COMMAND OVER THE REQUIRED NATIONAL FORCES. MOREOVER IT SHOULD BE NOTED, THAT CERTAIN ELEMENTS OF GENERAL ALERT CAN BE OF A REGIONAL NATURE (A AND C); OTHER ARE BY DEFINITION OF A GLOBAL NATURE (B).

16. FINALLY, MY AUTHORITIES WISH TO REITERATE THEIR APPRECIATION FOR THE STUDY MADE BY THE SUB-COMMITTEE. THIS STUDY HAS ENABLED THEM TO SEE MORE CLEARLY THE IMPORTANCE OF THIS CRUCIAL STAGE OF THE NATO ALERT SYSTEM AND TO DISTINGUISH BETTER ITS MILITARY, POLITICAL AND LEGAL ELEMENTS. THEY HOPE THAT THEIR REMARKS AND SUGGESTIONS WILL HELP THE STUDY-GROUP IN ITS ENDEAVOURS TO FINALISING THE REPORT.  
END QUOTE

2. SUB-COMMITTEE CHAIRMAN VINCENT IS PREPARING COMMENTS ON HOFMAN'S LETTER THAT SHOULD BE AVAILABLE WEEK OF FEB 18. WE WILL FORWARD TO WASHINGTON WHEN RECEIVED. VINCENT HAS REACTED

NEGATIVELY TO LETTER: HE TOLD US THAT IN HIS JUDGMENT, THE LETTER GETS INTO LEGALISMS THAT OUGHT TO BE AVOIDED, SUCH AS THE PROVISIONS OF NATIONAL CONSTITUTIONS REGARDING USE OF FORCE. WE AGREE THAT COEC AND ANY OTHER NATO BODIES INVOLVED IN FUTURE WORK ON SUBJECT SHOULD AVOID INQUIRING INTO NATIONAL LAWS. THE LETTER DOES REFLECT A THOUGHTFUL APPRAISAL BY THE GON, HOWEVER, AND IT SHOULD BE USEFUL IN FURTHER STUDY HERE.

3. MISSION WOULD APPRECIATE RECEIVING WASHINGTON COMMENTS ON SUB-COMMITTEE REPORT AND NETHERLANDS LETTER BY OPENING OF BUSINESS FEB 25.

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PAGE 04 NATO 00789 02 OF 02 132225Z

SECRET

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## Message Attributes

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**To:** STATE  
SECDEF INFO THE HAGUE  
USNMR SHAPE  
USCINCEUR  
USLOSACLANT  
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